

# District of Columbia: FY2006 Appropriations

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## Summary

On February 8, 2005, the Administration released its FY2006 budget request. The Administration's proposed budget included \$573.4 million in federal payments to the District of Columbia. Four payments (for court operations, defender services, offender supervision, and criminal justice coordination) represented \$471.4 million, or 82%, of the proposed \$573.4 million in total federal payments to the District.

On June 2, 2005, the District's city council approved the city's \$8.8 billion operating budget for FY2006. The District's budget, which must be approved by Congress, also included \$3 billion in capital outlays, including \$535 million to finance a new baseball stadium. In addition, the District's budget included a request for \$635 million in special federal payments.

The conference version of H.R. 3058—a bill providing FY2006 appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies (TTHUD)—was signed into law by the President on November 30, 2005, as P.L. 109-115. The act appropriated \$603 million in special federal payments to the District, including \$75 million in special federal payments in support of elementary, secondary, and post-secondary education initiatives. P.L. 109-148 subjects the \$603 million to a 1% rescission to help offset the cost of Hurricane Katrina disaster relief and avian flu pandemic preparedness.

In addition, P.L. 109-115 contains a number of general provisions, including several so-called social riders. Consistent with provisions included in previous appropriations acts, P.L. 109-115 prohibits the use of federal and District funds to finance or administer a needle exchange program intended to reduce the spread of AIDS and HIV; or for abortion services except in an instance of rape or incest, or when the life of the mother is threatened. A provision not included in the final version of the act, but included in a Senate version of H.R. 3058, would have allowed the use of local, but not federal, funds for a needle exchange program.

The act, as approved by Congress, restricts the use of District and federal funds for abortion services and prohibits the implementation of the city's medical marijuana initiative, which would decriminalize the use of marijuana for medical purposes. It does not include a House provision that would have prohibited the District from enforcing a section of its gun control laws that requires registered owners of handguns to keep such weapons unloaded, disassembled, or trigger-locked in their homes.

The final version of the act includes two new initiatives: \$3 million for marriage development accounts for low-income persons and a transfer of 15 acres of federal land at Robert F. Kennedy Stadium to the District for construction of a public charter boarding school. P.L. 109-115 does not include two initiatives included in the Senate version of the act: a \$2 million Latino youth education and health initiative and a \$3 million housing initiative for recently released ex-offenders. This report will be updated as events warrant.

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## Most Recent Developments

On December 30, 2005, the President signed into law the Defense Appropriations Act of 2005, P.L. 109-148. The act included a provision subjecting all discretionary appropriations for FY2006, including special federal payments to the District of Columbia, to a 1% across-the-board rescission to help offset the cost of Hurricane Katrina disaster relief assistance. One month earlier, on November 30, 2005, the President signed into law the Departments of Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act for FY2006, P.L. 109-115 (TTHUD). The Senate approved the act on November 21, 2005; the House, on November 18. The act includes \$603 million in special federal payments, including funding for two new initiatives: \$3 million for marriage development accounts for low-income persons, and it transfers 15 acres of federal land at Robert F. Kennedy Stadium to the District for lease to public charter school entity to construct a boarding school. The act includes \$40 million in special federal payments in support of elementary and secondary school education, including \$13 million for public school improvements, \$13 million for public charter schools, and \$14 million for vouchers to fund scholarship assistance to private and religious elementary and secondary schools. Consistent with appropriations acts for previous fiscal years, the TTUD Act for FY2006 restricts or prohibits the use of District and federal funds to support a needle exchange program, abortion services, or a voter-approved medical marijuana initiative. The 1% rescission required by P.L. 109-148 reduces the District's total federal payment to \$597 million from \$603 million.

**Table 1. Status of District of Columbia Appropriations, FY2006**

Committee Markup		House Report	House Passage	Senate Report	Senate Passage	Conf. Report	Conf. Report Approved		Public Law
House	Senate						House	Senate	
H.R. 3058 6/21/05	S. 1446 7/21/05	H.Rept. 109-153	6/30/05 (405-18)	S.Rept. 109-106	10/20/05 (93-1)	H.Rept. 109-307	11/18/05 (392-31)	11/21/05 (unanimous consent)	11/30/2005 (P.L. 109-115)

## Budget Request

### FY2006: The President's Budget Request

On February 8, 2005, the Bush Administration released its FY2006 budget request. The Administration's proposed budget included \$573.397 million in federal payments to the District of Columbia. A major portion of the President's proposed federal payment is for the District's courts and criminal justice system.<sup>1</sup> This included \$221.693 million in support of court operations, \$45 million for Defender Services, and \$203.388 million for the Court Services and Offender Supervision Agency for the District of Columbia, an independent federal agency that has assumed management responsibility for the District's pretrial services, adult probation, and parole supervision functions. The Administration also requested \$1.3 million for the Criminal Justice Coordinating Council. These four functions (court operations, defender-related services,

<sup>1</sup> U.S. Office of the President, *Budget of the United States Government, Fiscal Year 2006 Appendix* (Washington: GPO, 2002), pp. 1133-1135 and 1137-1150.

offender supervision, and criminal justice coordination) represent \$471.381, or 82%, of the President's proposed \$573.397 million in federal payments to the District of Columbia. The President's budget request also included \$74.8 million in support of elementary and secondary education, and college tuition assistance (see **Table 2**). This represents 13% of the Administration's proposed federal payments to the District. Additionally, the Administration requested \$22.2 million for security planning and bioterrorism preparedness, which represents approximately 5% of its total special federal payments budget request (see **Table 2**).

## FY2006: District's Budget Request

On June 2, 2005, the District's city council unanimously approved the city's \$8.8 billion operating budget for FY2006 and forwarded it to the President for review, approval, and transmittal to Congress.<sup>2</sup> The proposed budget included a request for \$635.197 million in special federal payments. The proposed budget would have increased local funding for public education by \$206 million (see **Table 3**), while seeking \$41.616 million in special federal payments for public schools (\$13.525 million), charter schools (\$13.525 million), and school vouchers (\$14.566 million) (see **Table 2**). The proposed budget would have also increased local funding for economic development and regulation by \$111.1 million and human support services by \$286.8 million (see **Table 3**).

The District also requested \$33.2 million in a special federal payment for the District's college tuition assistance program, a proposed increase of \$7.8 million above the federal government's FY2005 commitment.<sup>3</sup> In addition, the District requested \$2 million for a downtown transit circulator system and \$40 million in special federal payments to support security and emergency preparedness activities, which included \$25 million for bioterrorism preparedness and \$15 million for emergency planning and security.

## FY2006: Section 302(b) Suballocation

Section 302(a) of the Congressional Budget Act of 1974 requires that the House and Senate pass a concurrent budget resolution establishing an aggregate spending ceiling (budget authority and outlays) for each fiscal year. These ceilings are used by House and Senate appropriators as a blueprint for allocating funds. Section 302(b) of the Congressional Budget Act requires appropriations committees in the House and Senate to subdivide their Section 302(a) allocation of budget authority and outlays among the 10 appropriations subcommittees in the House and the 12 appropriations subcommittees in the Senate. On May 18, 2005, the House Appropriations Committee approved a Section 302(b) suballocation of \$85.922 billion in budget authority for FY2006 to be allocated among the various programs and activities within the jurisdiction of the TTHUD Subcommittee (H.Rept. 109-85).<sup>4</sup> The Senate Appropriations Committee allocated \$593

<sup>2</sup> Section 446 of the District of Columbia Self-Government and Government Reorganization Act, P.L. 93-198, as amended in 1989, requires a budget approved by the mayor and city council of the District of Columbia to be submitted to the President for transmittal to Congress.

<sup>3</sup> See CRS Report RS20646, *District of Columbia Tuition Assistance Program*, by Bonnie F. Mangan.

<sup>4</sup> Prior to the 109<sup>th</sup> Congress, appropriations for the District of Columbia were handled by a separate subcommittee. At the beginning of the 109<sup>th</sup> Congress, the House restructured the appropriation subcommittees, abolishing the District of Columbia Subcommittee on Appropriations and consolidating its activities into a larger Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Subcommittee. The Senate undertook a similar restructuring, but kept the District of Columbia Subcommittee as a stand-alone subcommittee.

million in budget authority for the District of Columbia Subcommittee (S.Rept. 109-77). It approved its initial Section 302(b) suballocations on June 9, 2005.

The House and Senate Appropriations Committees revised their Section 302(b) suballocations several times. On November 18, 2005, the Senate Appropriations Committee approved a Section 302(b) suballocation of \$603 million in budget authority for the District of Columbia (S.Rept. 109-184). The House Appropriations Committee issued revised Section 302(b) suballocations on November 2, 2005, of \$84.887 billion for the various programs and activities within the jurisdiction of the TTHUD Subcommittee (H.Rept. 109-264).

## **Congressional Action on the Budget**

Congress not only appropriates federal payments to the District to fund certain activities, but also reviews the District's entire budget, including the expenditure of local funds. The House and Senate Appropriations Committees must approve—and may modify—the District's budget. House and Senate versions of the District budget are reconciled in a joint conference committee and must be agreed to by the House and the Senate. After this final action, the District's budget is forwarded to the President, who can sign it into law or veto it.

### **House Bill**

On June 15, 2005, a House appropriations subcommittee conducted a markup of the TTHUD for FY2006 and forwarded the unnumbered bill to the full Appropriations Committee for its consideration. On June 21, 2005, the House Appropriations Committee ordered reported H.R. 3058, which included \$603 million in special federal payments for the District of Columbia. As reported by the committee, the bill recommended \$33.2 million for the city's college tuition assistance program, a \$7.8 million increase above the program's FY2005 funding level. The bill also included \$41.616 million in special federal payments in support of continued efforts to strengthen public schools and expand elementary and secondary education choices, including funds for public charter schools and private school scholarships. The bill included \$22.2 million in support of security planning (\$15 million) and bioterrorism preparedness (\$7.2 million for bioterrorism and forensic laboratory). It did not include a District request for \$10 million for fire and emergency medical facilities and special operations, but it would have continue congressional support (\$5 million) for the construction of a nature trail along the Anacostia River.

### **House Bill General Provisions**

The House version of H.R. 3058 included several provisions that District officials wanted to eliminate or modify, including those related to medical marijuana, abortion, needle exchange, and gun control. During consideration of past District of Columbia appropriations acts, city officials have asked Congress to eliminate the provision banning the use of medical marijuana. District officials have also sought to win congressional approval for the lifting of restrictions on the use of District funds for abortion services, and the removal of the provision prohibiting the use of federal or District funds in support of a needle exchange program. However, as approved by the House, H.R. 3058 would have continued to maintain the restrictions and prohibitions on the use of federal and District funds for medical marijuana, abortion services, and needle exchange programs. Congress's authority to ban the use of medical marijuana, including the implementation of the District's medical marijuana initiative, was upheld by a June 6, 2005, Supreme Court decision. By a vote of six to three, the Supreme Court ruled in *Gonzales v. Raich*<sup>5</sup>

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<sup>5</sup> *Gonzales v. Raich* 545 U.S. (2005).

that the federal government could prohibit the possession and cultivation of marijuana in states that have decriminalized its use as a medical or therapeutic treatment. The bill also included a provision prohibiting the use of District funds to enforce existing District gun control provisions requiring all legally registered handguns kept at home to be unloaded, disassembled, or trigger-locked.

## **Senate Bill**

On July 19, the Senate Subcommittee on the District of Columbia completed its markup of the District Appropriations Act for FY2006. On July 21, 2005, the Senate Appropriations Committee reported the District of Columbia Appropriations Act for FY2006, S. 1446 (S.Rept. 109-106). The bill would have appropriated \$593 million in special federal payments for the District and would have approved the District's \$8.8 billion FY2006 operating budget. The provisions of S. 1446 would later be incorporated into the Senate version of H.R. 3058 to facilitate conference committee consideration of the TTHUD bill. As reported by the committee, the bill recommended \$33.2 million for the city's college tuition assistance program. This is the same amount recommended by the House and represents a \$7.8 million increase above the program's FY2005 funding level. The bill also included \$40 million in special federal payments in support of continued efforts to strengthen public schools and expand elementary and secondary education choices, including funds for public charter schools and private school scholarships. This is \$1.6 million less than recommended by the House. The bill included \$17.2 million in support of security planning (\$12 million) and bioterrorism preparedness (\$5.2 million for bioterrorism and forensic laboratory). This is \$5 million less than approved by the House. It would have continued congressional support (\$3 million) for the construction of a nature trail along the Anacostia River, but would have appropriated \$2 million less than recommended by the House. These proposed funding reductions, which total \$8.6 million, would have offset three new initiatives not included in the House bill: \$3 million for marriage development accounts and life skills training for low-income persons; \$2 million for a Latino youth education and health initiative; and \$3 million for a housing initiative for recently released ex-offenders.

## **Senate Bill General Provisions**

The Senate bill included a general provision not included in the House bill. It proposed transferring 15 acres of federal land at Robert F. Kennedy Stadium to the District. Unlike the House bill, the Senate measure would have allowed local funds to be used for lobbying for District voting representation in Congress and to fund or operate a needle exchange program. Consistent with the provisions included in the House bill, the Senate bill would have prohibited the use of District and federal funds to implement the District medical marijuana initiative, or for abortion services except in cases of rape or incest, or the mother's life is endangered. On October 20, 2005, by a vote of 93 to 1, the Senate approved its version of H.R. 3058.

## **Conference Bill, P.L. 109-115**

The Senate appointed members to a conference committee to reconcile difference between the House and Senate versions of H.R. 3058 on October 20. The House appointed its members to the TTHUD conference committee on November 8, 2005. The conference committee reconciled their differences and filed a conference report (H.Rept. 109-307) on November 18, 2005. The House approved the conference report on the same day by a vote of 392 to 31 (roll call vote #605). Several days later on November 21, 2005, the Senate approved the conference report by unanimous consent. On November 30, 2005, the President signed the measure into law as P.L. 109-115.



P.L. 109-115 appropriates \$603 million in special federal payments for the District of Columbia. This includes \$73 million in support of elementary, secondary, and post secondary education. Specifically, the act appropriates \$13 million for District public schools, \$13 million for District charter schools, \$14 million for private school vouchers, and \$33 million to finance a college tuition assistance program. The act includes an additional \$5 million in education earmarks to various groups. These funds, which are monitored by the CFO, are awarded to designated entities in support of such activities as early childhood education, literacy, and college preparatory. They are a portion of the \$29.2 million allocated to the CFO and earmarked for various organizations and activities. In addition, the bill includes \$465.6 million in special federal payments for four functions (court operations, defender-related services, offender supervision, and criminal justice coordination), which represents 77.2%, of the \$603 million in special federal payments to the District of Columbia. It does include \$3 million in support of Marriage Development Accounts.

### Conference Bill General Provisions, P.L. 109-115

The general provisions of P.L. 109-115 contain several social rider provisions included in previous appropriations acts. The act prohibits the use of District and federal funds to finance a needle exchange program, to implement a voter-approved medical marijuana initiative, or to provide abortion services except in cases involving rape or incest, or a threat to mother's life. It does not include language included in the Senate bill that would have liberalized District gun control laws. The act does include a provision transferring 15 acres of federal land to the District to be used to construct a public charter boarding school. The act also approves the District's general fund budget of \$9 billion, including enterprise funds, and \$3 billion capital budget, which includes \$535 million for baseball stadium construction.

### FY2006 Rescissions, P.L. 109-148

One month after passage of P.L. 109-115, the President signed into law the Defense Appropriations Act of 2005, P.L. 109-148. The act included a provision requiring a 1% rescission in all discretionary programs to help offset the cost of providing disaster relief for Hurricane Katrina victims and avian flu preparedness activities. The Office of Management and Budget (OMB) was charged with determining the application of this reduction to individual accounts. The FY2006 conference bill amounts included in **Table 2** in this report reflect the funding levels stated in P.L. 109-115 (H.Rept. 109-307). They have not been adjusted to reflect the 1% reduction required by P.L. 109-148. It is estimated that the 1% rescission requirement reduces the District's special federal payments from \$603 million to \$597 million.

**Table 2. District of Columbia Special Federal Payments Funds:  
FY2006 Appropriations**  
(in millions of dollars)

Programs	Enacted FY2005	FY2006				
		Admin.	City's Budget	House	Senate	Conf. <sup>a</sup>
Resident Tuition Program	25.395	33.200	33.200	33.200	33.200	33.200
Emergency Planning and Security	14.880	15.000	15.000	15.000	12.000	13.500
Bioterrorism Preparedness and Forensic Laboratory	7.936	7.200	25.000	7.200	5.200	5.000
Court Operations	189.274	221.693	221.693	221.693	218.912	218.912



Programs	Enacted FY2005	FY2006				
		Admin.	City's Budget	House	Senate	Conf. <sup>a</sup>
—Court of Appeals	[8.881]	[9.198]	[9.198]	[9.198]	[9.198]	[9.198]
—Superior Court	[84.268]	[87.342]	[87.342]	[87.342]	[87.342]	[87.342]
—Court system	[40.373]	[41.643]	[41.643]	[41.643]	[41.643]	[41.643]
—Capital improvements	[55.752]	[83.510]	[83.510]	[83.510]	[80.729]	[80.729]
Defender Services	38.192	45.000	45.000	45.000	45.000	44.000
Court Services and Offender Supervision Agency for the District of Columbia <sup>a</sup>	178.560	203.388	203.388	203.388	201.388	201.388
—Community Supervision and Sex Offender Registry	[109.966]	[131.360]	[131.360]	[131.360]	[129.360]	[129.360]
—Public Defender Service	[29.594]	[29.833]	[29.833]	[29.833]	[29.833]	[29.833]
—Pretrial Service Agency	[38.999]	[42.195]	[42.195]	[42.195]	[42.195]	[42.195]
Criminal Justice Coordinating Council	1.290	1.300	1.300	1.300	1.300	1.300
Federal Water and Sewer Authority Payment	4.762	0.000	30.000	10.000	5.000	7.000
Anacostia River Walk and Trail Construction	2.976	5.000	5.000	5.000	3.000	3.000
Fire and Emergency Medical Facilities and Special Operations	0.000	0.000	10.000	0.000	0.000	0.000
Family Literacy Program	0.992	0.000	2.000	0.000	0.000	0.000
Transportation	2.480	0.000	0.000	0.000	0.000	0.000
—WMATA Capital Fund	[1.489]	0.000	0.000	0.000	0.000	0.000
—Downtown Circulator	[0.992]	0.000	2.000	0.000	1.000	1.000
Unified Comm. Center for Reg. Emergencies and other activities	5.952	0.000	0.000	0.000	0.000	0.000
Foster Care Improvements	4.960	0.000	0.000	0.000	2.000	2.000
—Child and Fam. Services	[3.224]	0.000	0.000	0.000	[1.750]	[1.750]
—Post adoption services	0.000	0.000	0.000	0.000	0.000	[0.750]
—Loan repay. to social workers	0.000	0.000	0.000	0.000	0.000	[1.000]
—Early intervention unit	[1.984]	0.000	0.000	0.000	0.000	0.000
—Emer. support fund	[0.744]	0.000	0.000	0.000	0.000	0.000
—Computer upgrades	[0.496]	0.000	0.000	0.000	0.000	0.000
—Mental Health Assess.	[1.240]	0.000	0.000	0.000	0.000	0.000
—COG's Respite Care and Recruitment	[0.496]	0.000	0.000	0.000	[0.250]	[0.250]
Public School Library Improvements	5.952	0.000	0.000	0.000	0.000	0.000

Programs	Enacted FY2005	FY2006				
		Admin.	City's Budget	House	Senate	Conf. <sup>a</sup>
School Improvement Initiatives	39.680	41.616	41.616	41.616	40.000	40.000
—Public school improvements	[12.896]	[13.525]	[13.525]	[13.525]	[13.000]	[13.000]
—High Performing Schools	[1.984]	0.000	0.000	0.000	0.000	0.000
—Transformation Schools	[1.984]	0.000	0.000	0.000	0.000	0.000
—School Grants and Mgmt/Consult. Services	[8.928]	0.000	0.000	0.000	0.000	0.000
Public Charter School	[12.896]	[13.525]	[13.525]	[13.525]	[13.000]	[13.000]
—City Build Initiative (n/hood-based charter schools)	[1.984]	0.000	0.000	0.000	[2.000]	0.000
—Direct Loan Fund	[2.728]	0.000	0.000	0.000	[4.000]	0.000
—Credit Enhancement	0.000	0.000	0.000	0.000	[2.000]	0.000
—Facilities improvements	0.000	0.000	0.000	0.000	[2.000]	0.000
—Admin. Expenses for Outreach and federal entitlement funding	[0.149]	0.000	0.000	0.000	0.000	0.000
—Admin. Expenses for federal entitlement funding	0.000	0.000	0.000	0.000	[0.250]	0.000
—Admin. for State Edu. Office	0.000	0.000	0.000	0.000	[0.250]	0.000
—Data collection and analysis	0.000	0.000	0.000	0.000	[0.300]	0.000
—Charter School Incubator	[3.968]	0.000	0.000	0.000	0.000	0.000
—High Performing Schools	[1.984]	0.000	0.000	0.000	0.000	0.000
—Truancy Center	0.000	0.000	0.000	0.000	[0.300]	0.000
—Public Charter School Assoc.	[0.099]	0.000	0.000	0.000	0.000	0.000
—Public Charter School College Preparatory Program	[2.083]	0.000	0.000	0.000	[0.400]	0.000
School Choice Scholarship Program (vouchers)	[12.896]	[14.566]	[14.566]	[14.566]	[14.000]	[14.000]
—admin. expen./assessment	[0.992]	0.000	[1.000]	[1.000]	[1.000]	[1.000]
Marriage Development and Improvement	0.000	0.000	0.000	0.000	3.000	3.000
—Marriage Dev. Acct./ Cap. Area Asset Building Corp.	0.000	0.000	0.000	0.000	[1.500]	[1.500]
—National Center for Fathering	0.000	0.000	0.000	0.000	[0.850]	[0.850]
—East Capitol Center for Change	0.000	0.000	0.000	0.000	[0.650]	[0.650]
Latino Youth Initiative	0.000	0.000	0.000	0.000	2.000	0.000

Programs	Enacted FY2005	FY2006				
		Admin.	City's Budget	House	Senate	Conf. <sup>a</sup>
—La Raza Mentors Program	0.000	0.000	0.000	0.000	[1.100]	0.000
—MidAtlantic Equity Center Literacy	0.000	0.000	0.000	0.000	[0.400]	0.000
—Latin American Youth Center	0.000	0.000	0.000	0.000	[0.500]	0.000
National Guard Youth Challenge	0.000	0.000	0.000	0.000	0.500	0.500
Prisoner Reentrant Housing	0.000	0.000	0.000	0.000	3.000	0.000
CFO	32.240	0.000	0.000	20.000	16.500	29.200
—audit of funding recipients	[0.992]	0.000	0.000	0.000	0.000	0.000
EDUCATION/CULTURAL/CIVIC RESPONSIBILITY PROGRAMS						
—Apple Tree Institute early literacy	0.000	0.000	0.000	0.000	0.000	[0.150]
—Back to School	[0.992]	0.000	0.000	0.000	0.000	0.000
—Best Friends Foundation Youth Development	[0.248]	0.000	0.000	0.000	0.000	0.000
—Building Bridges Across the River (town hall and arts center)	[0.298]	0.000	0.000	0.000	0.000	0.000
—Calvary Bilingual Multi- cultural Learning Center	[0.397]	0.000	0.000	0.000	0.000	0.000
—Camp Arena Stage	0.000	0.000	0.000	0.000	0.000	[0.100]
—Capital City Careers Fed. Industry Academies	[0.198]	0.000	0.000	0.000	0.000	0.000
—Capital Hill Cluster School (public school consortium)	[0.297]	0.000	0.000	0.000	0.000	0.000
—Caribbean Amer. Mission for Edu. Research (higher education)	[0.347]	0.000	0.000	0.000	0.000	[0.200]
—Catalyst (Jefferson High Sch. Teacher Feeder program)	[0.198]	0.000	0.000	0.000	0.000	0.000
—Center for Inspired Teaching	[0.148]	0.000	0.000	0.000	0.000	[0.450]
—Centro Nia/ early childhood edu.		0.000	0.000	0.000	0.000	[0.200]
—Church of the Epiphany Support Our Schools Program	[0.148]	0.000	0.000	0.000	0.000	0.000
—City Year's Reading for Success/literacy	[0.992]	0.000	0.000	0.000	0.000	[0.150]
—Congressional Cemetery Preservation	0.000	0.000	0.000	0.000	0.000	[2.000]
—Council for Court Excellence	[0.198]	0.000	0.000	0.000	0.000	0.000

Programs	Enacted FY2005	FY2006				
		Admin.	City's Budget	House	Senate	Conf. <sup>a</sup>
—DC Pearls III (college prep. prog.)	0.000	0.000	0.000	0.000	0.000	[0.050]
—DC Public Charter School Assoc.	0.000	0.000	0.000	0.000	0.000	[0.150]
—Dance Institute of Wash.	[0.148]	0.000	0.000	0.000	0.000	0.000
—Discovery Creek Children's Museum	[0.397]	0.000	0.000	0.000	0.000	[0.200]
—Ed. Adv. Alliance for Youth Civic Engagement	[0.248]	0.000	0.000	0.000	0.000	0.000
—Everybody Wins Mentoring Program	[0.148]	0.000	0.000	0.000	0.000	0.000
—First Book Program (National Book Bank)	[0.198]	0.000	0.000	0.000	0.000	0.000
—Foundation for Support of African Americans in Film	[0.248]	0.000	0.000	0.000	0.000	0.000
—Girl Scout Council	[0.694]	0.000	0.000	0.000	0.000	[0.400]
—Gonzaga College High School capital. development	[0.397]	0.000	0.000	0.000	0.000	0.000
—Institute for Ed. Equity	[0.248]	0.000	0.000	0.000	0.000	0.000
—Jump Start	0.000	0.000	0.000	0.000	0.000	[0.200]
—Jewish Council for Pub. Affairs	[0.496]	0.000	0.000	0.000	0.000	0.000
—International Youth Service	0.000	0.000	0.000	0.000	0.000	[1.000]
—Kingsman Charter School	[0.198]	0.000	0.000	0.000	0.000	0.000
—Lab School	0.000	0.000	0.000	0.000	0.000	[0.050]
—Les Aspin Center	0.000	0.000	0.000	0.000	0.000	[0.200]
—Love of Children/Thurgood Marshall Ctr. Youth Tech. Prog.	[0.099]	0.000	0.000	0.000	0.000	[0.500]
—Main Street Arts Initiative DC Commission on the Arts	[0.397]	0.000	0.000	0.000	0.000	0.000
—National Capital Children's Museum	[0.496]	0.000	0.000	0.000	0.000	[0.250]
—Nat. Hist. Trust Lincoln Cottage Restoration	[0.992]	0.000	0.000	0.000	0.000	[1.000]
—Perry School Comm. Serv.	[0.148]	0.000	0.000	0.000	0.000	[0.150]
—Public School Library Initiative	0.000	0.000	0.000	0.000	0.000	[0.100]
—ReadNet Foundation	[0.397]	0.000	0.000	0.000	0.000	[0.300]
—Sewall Belmont House and Museum	0.000	0.000	0.000	0.000	0.000	[0.100]

Programs	Enacted FY2005	FY2006				
		Admin.	City's Budget	House	Senate	Conf. <sup>a</sup>
—See Forever Foundation in support of M. Angelou Charter School after school program	[0.248]	0.000	0.000	0.000	0.000	0.000
—Seed Foundation urban boarding school model	[0.148]	0.000	0.000	0.000	0.000	0.000
—Shakespeare Theater Construction of new facility	[0.893]	0.000	0.000	0.000	0.000	0.000
—STEED Youth Edu. and Rec.	[0.347]	0.000	0.000	0.000	0.000	[0.300]
—SURE Foundation (library and community resources)	[0.099]	0.000	0.000	0.000	0.000	0.000
—Southeast Univ. E-Learning program	[0.446]	0.000	0.000	0.000	0.000	[0.250]
—Teach for America, DC	[0.198]	0.000	0.000	0.000	0.000	0.000
—Teacher Advancement Prog.	[0.198]	0.000	0.000	0.000	0.000	[0.100]
—Thurgood Marshall Academy	0.000	0.000	0.000	0.000	0.000	[0.500]
—Values First public school training program	[0.248]	0.000	0.000	0.000	0.000	0.000
—Voyager Expanded Learning	0.000	0.000	0.000	0.000	0.000	[0.175]
—Washington Area Women's Foundation (philanthropy)	[0.992]	0.000	0.000	0.000	0.000	[1.000]
—Washington Jesuit Academy	0.000	0.000	0.000	0.000	0.000	[0.250]
—Wash. Opera Education	[0.397]	0.000	0.000	0.000	0.000	0.000
—World Vision Kids in Need Community Storehouse	[0.397]	0.000	0.000	0.000	0.000	0.000
—Youth Leadership Foundation	0.000	0.000	0.000	0.000	0.000	[0.200]
ECONOMIC DEVELOPMENT, INFRASTRUCTURE, TRANSPORTATION						
—Active Cap Anacostia River Cleanup	[0.397]	0.000	0.000	0.000	0.000	0.000
—Barrack Row Main Street	[0.496]	0.000	0.000	0.000	0.000	0.000
—DC Dept of Transp. Foxhall Rd. improv.	0.000	0.000	0.000	0.000	0.000	[0.250]
—Eastern Market Renovation	[0.248]	0.000	0.000	0.000	0.000	[0.200]
—Georgetown Circulator	0.000	0.000	0.000	0.000	0.000	[0.500]
—National Composite Center (bridge replacement)	[0.992]	0.000	0.000	0.000	0.000	0.000
—One Econ./Digital Inclusion	[0.099]	0.000	0.000	0.000	0.000	0.000
—Water and Sewer Authority water study	0.000	0.000	0.000	0.000	0.000	[0.200]

Programs	Enacted FY2005	FY2006				
		Admin.	City's Budget	House	Senate	Conf. <sup>a</sup>
—WMATA antennae replacement	0.000	0.000	0.000	0.000	0.000	[0.450]
HEALTH, HOUSING, AND SOCIAL SERVICES						
—All Faith Consortium (substance abuse/homeless veterans)	[0.198]	0.000	0.000	0.000	0.000	[0.100]
—ARISE life skills for at-risk youth	[0.297]	0.000	0.000	0.000	0.000	[0.250]
—Arthritis Foundation, Metro Wash.	0.000	0.000	0.000	0.000	0.000	[0.300]
—Capital Area Food Bank	[0.297]	0.000	0.000	0.000	0.000	[1.300]
—Center for Mental Health	[0.397]	0.000	0.000	0.000	0.000	0.000
—Chesapeake Veteran Hosp.	[0.248]	0.000	0.000	0.000	0.000	0.000
—Children's Health Fund/van	[0.397]	0.000	0.000	0.000	0.000	[0.150]
—Children's National Medical Center capital improvements	[4.960]	0.000	0.000	0.000	0.000	[5.000]
—Children's Hospital/cord blood bank for African American children	0.000	0.000	0.000	0.000	0.000	[0.300]
—Children's National Medical Center capital dev. lab.	[0.397]	0.000	0.000	0.000	0.000	0.000
—Children's Res. Inst. (muscular dystrophy research)	0.000	0.000	0.000	0.000	0.000	[0.150]
—Community Youth Connection	0.000	0.000	0.000	0.000	0.000	[0.200]
—Congressional Glaucoma Caucus	0.000	0.000	0.000	0.000	0.000	[0.250]
—DC Cares	0.000	0.000	0.000	0.000	0.000	[0.103]
—DC Poison Control Center	[0.446]	0.000	0.000	0.000	0.000	0.000
—DC Humane Society	0.000	0.000	0.000	0.000	0.000	[0.100]
—DC Primary Care Assoc.	0.000	0.000	0.000	0.000	0.000	[0.500]
—ER One	0.000	0.000	0.000	0.000	0.000	[1.000]
—East of the River (prisoner re-entry housing)	0.000	0.000	0.000	0.000	0.000	[0.300]
—Family Communications/education material for child care	0.000	0.000	0.000	0.000	0.000	[0.100]
—Father McKenna Center/homeless men	0.000	0.000	0.000	0.000	0.000	[0.100]
—Gospel Rescue Ministries	[0.297]	0.000	0.000	0.000	0.000	0.000
—Latin Amer. Youth Ctr. Home for Teenage Girls	[0.099]	0.000	0.000	0.000	0.000	0.000

Programs	Enacted FY2005	FY2006				
		Admin.	City's Budget	House	Senate	Conf. <sup>a</sup>
—My Sister's Place	0.000	0.000	0.000	0.000	0.000	[0.200]
—Nat'l Camp. to Prevent Teen Pregnancy / Uhlich Children's Advantage Network	[0.297]	0.000	0.000	0.000	0.000	[0.300]
—St. Coletta construction of facilities for services to mentally retarded and multi- handicapped	[1.984]	0.000	0.000	0.000	0.000	[1.000]
—Teen Connection (teen pregnancy prevention)	[0.893]	0.000	0.000	0.000	0.000	[0.500]
—Unity Health Care	[0.645]	0.000	0.000	0.000	0.000	0.000
—Whitman Walker Clinic	[0.595]	0.000	0.000	0.000	0.000	[0.650]
—Women's Center Family Strengthening Program	[0.843]	0.000	0.000	0.000	0.000	0.000
PUBLIC SAFETY						
—Boys and Girls Club gang prevention program	0.000	0.000	0.000	0.000	0.000	[0.300]
—Court Appointed Special Advocate Fam. Ct. Services	[0.297]	0.000	0.000	0.000	0.000	0.000
—National Children's Alliance	[0.496]	0.000	0.000	0.000	0.000	0.000
—Polaris Project for victims of trafficking (DC Task Force)	[0.119]	0.000	0.000	0.000	0.000	0.000
—Safe Kids Coalition child safety and seat belt program	[0.297]	0.000	0.000	0.000	0.000	0.000
—Volunteers for Abused and Neglected Children	[0.099]	0.000	0.000	0.000	0.000	0.000
JOB TRAINING						
—Amer. Community Partnership	[0.099]	0.000	0.000	0.000	0.000	[0.250]
—Catalyst Capital City Careers Prog.	0.000	0.000	0.000	0.000	0.000	[0.200]
—Excel Institute	0.000	0.000	0.000	0.000	0.000	[1.200]
—Latin Amer. Youth Ctr. YouthBuild	0.000	0.000	0.000	0.000	0.000	[0.200]
—National Center for Manufacturing Sciences Tech. Transfer Partnership	[0.397]	0.000	0.000	0.000	0.000	[0.727]
—Second Chance Employ. Service for Women	[0.446]	0.000	0.000	0.000	0.000	[0.450]
—See Forever Employ. Training	0.000	0.000	0.000	0.000	0.000	[0.100]
—STRIVE/job readiness	[0.099]	0.000	0.000	0.000	0.000	0.000



Programs	Enacted FY2005	FY2006				
		Admin.	City's Budget	House	Senate	Conf. <sup>a</sup>
RECREATION AND CONSERVATION						
—Capitol Hill Arts Workshop cap. improvements	[0.148]	0.000	0.000	0.000	0.000	0.000
—Capital Hill Baseball and Softball League/capital improvements	0.000	0.000	0.000	0.000	0.000	[0.050]
—Earth Conservation Corps	0.000	0.000	0.000	0.000	0.000	[0.500]
—Friends of Carter Barron	0.000	0.000	0.000	0.000	0.000	[0.100]
—Friends of Ft. Dupont Ice Arena Capital Improvements	[0.080]	0.000	0.000	0.000	0.000	[0.495]
—Old Naval Hospital Found. Cap. Hill Community Center	[0.694]	0.000	0.000	0.000	0.000	0.000
<b>Total federal payments</b>	<b>555.521</b>	<b>573.397</b>	<b>635.197</b>	<b>603.397</b>	<b>593.000</b>	<b>603.000<sup>a</sup></b>

**Note:** Due to rounding, numbers in columns may not sum to subtotals and totals.

- a. Special federal payments do not reflect 1% across-the-board rescission in discretionary spending mandated by the Defense Appropriations Act of FY2005, P.L. 109-148.

In addition to appropriating federal payments for specific activities, Congress must approve the District's operating and capital budgets. As submitted by the District and approved by the both houses of Congress, the District's operating budget totals \$9.2 billion for FY2006. This includes \$7.8 billion in operating funds and \$1.4 billion in enterprise funds. The budget also provides \$3 billion in capital outlays, including \$535 million to finance the construction of a new baseball stadium.

**Table 3. Division of Expenses: District of Columbia Funds**  
(in millions of dollars)

Programs	Enacted FY2005	FY2006			
		District	House	Senate	Conference
General Fund					
Governmental Direction and Support	657.740	769.418	769.418	769.418	769.418
Economic Dev. and Regulation	338.298	449.128	449.128	449.128	449.128
Public Safety and Justice	808.553	846.479	846.479	846.479	846.479
Public Education System	1,338.246	1,483.973	1,483.973	1,483.973	1,483.973
Human Support Services	2,642.174	2,820.657	2,820.657	2,820.657	2,820.657
Public Works	350.245	395.339	395.339	395.339	395.339
Cash Reserve Fund	50.000	50.000	50.000	50.000	50.000
Repayment of Loans and Interest	347.700	370.778	370.778	370.778	370.778
Payment of Interest on Short Term Borrowing	4.000	5.500	5.500	5.500	5.500
One Judiciary Square Certificate of Participation	15.252	15.000	15.000	15.000	15.000
Settlements and Judgments	20.270	20.655	20.655	20.655	20.655
Wilson Building	3.633	3.740	3.740	3.740	3.740
Workforce Investments	38.114	61.110	61.110	61.110	61.110
Non-Departmental Agency	13.946	36.286	36.286	36.286	36.286
Emergency Planning and Security Costs	0.000	0.000	0.000	0.000	0.000
Tax Increment Financing	9.710	0.000	0.000	0.000	0.000
Equipment Lease	23.109	35.441	35.441	35.441	35.441
Emer. and Contingency Reserve Fund	0.000	0.000	0.000	0.000	0.000
Pay-As-You-Go Capital	6.531	260.883	260.883	260.883	260.883
Pay-As-You-Go Contingency	43.137	0.000	0.000	0.000	0.000
DC Retiree Health Contribution	—	138.000	138.000	138.000	138.000
Debt Service Issuance Costs	—	40.000	40.000	40.000	40.000
General Fund Total Operating Expenses	6,710.658	7,802.387	7,802.387	7,802.387	7,802.387
Enterprise Funds					
Water and Sewer Auth.	287.206	295.710	295.710	295.710	295.710
Washington Aqueduct	47.972	50.512	50.512	50.512	50.512
Stormwater Permit Compliance	3.792	6.673	6.673	6.673	6.673
Lottery and Charitable Games	247.000	251.000	251.000	251.000	251.000
Sports and Enter. Commission	7.322	339.630	339.630	339.630	339.630
DC Retirement Board	15.277	30.078	30.078	30.078	30.078
Convention Center Enterprise Fund	77.176	78.900	78.900	78.900	78.900
National Capital Revitalization Corporation	7.849	52.731	52.731	52.731	52.731
Univ. District of Columbia	90.575	102.200	102.200	102.200	102.200
Unempl. Insur. Trust Fund	180.000	180.000	180.000	180.000	180.000
Other Post Employee Benefits Trust Fund	0.953	1.100	1.100	1.100	1.100

Programs	Enacted FY2005	FY2006			
		District	House	Senate	Conference
DC Public Library Trust	0.017	0.017	0.017	0.017	0.017
<b>Total Enterprise Funds</b>	<b>965.139</b>	<b>1,388.551</b>	<b>1,388.551</b>	<b>1,388.551</b>	<b>1,388.551</b>
<b>Total Operating Expenses</b>	<b>7,168.491</b>	<b>9,190.938</b>	<b>9,190.938</b>	<b>9,190.551</b>	<b>9,190.551</b>
<b>Capital Outlays</b>					
General Fund	725.886	2,525.605	2,525.605	2,525.605	2,525.605
—Baseball Stadium Financing	0.000	[534.800]	[534.800]	[534.800]	[534.800]
Water and Sewer Fund	371.040	529.994	529.994	529.994	529.994
<b>Total Capital Outlays</b>	<b>1,096.926</b>	<b>3,055.599</b>	<b>3,055.599</b>	<b>3,055.599</b>	<b>3,055.599</b>
<b>Total District of Columbia Funds</b>	<b>8,265.417</b>	<b>12,246.537</b>	<b>12,246.537</b>	<b>12,246.537</b>	<b>12,246.537</b>

## Key Policy Issues

### Needle Exchange

Whether to continue a needle exchange program funded with federal or District funds is one of several key policy issues that Congress will consider in reviewing the District's appropriations for FY2006. The controversy surrounding funding a needle exchange program touches on issues of home rule, public health policy, and government sanctioning and facilitating the use of illegal drugs. Proponents of a needle exchange program contend that such programs reduce the spread of HIV among illegal drug users by reducing the incidence of shared needles. Opponents of these efforts contend that such programs amount to the government sanctioning illegal drugs by supplying drug-addicted persons with the tools to use them. In addition, they contend that public health concerns raised about the spread of AIDS and HIV through shared contaminated needles should be addressed through drug treatment and rehabilitation programs. Another view in the debate focuses on the issue of home rule and the city's ability to use local funds to institute such programs free from congressional actions.

The prohibition on the use of federal and District funds for a needle exchange program was first approved by Congress as Section 170 of the District of Columbia Appropriations Act for FY1999, P.L. 105-277. The 1999 act did allow private funding of needle exchange programs. The District of Columbia Appropriations Act for FY2001, P.L. 106-522, continued the prohibition on the use of federal and District funds for a needle exchange program; it also restricted the location of privately funded needle exchange activities. Section 150 of the District of Columbia Appropriations Act for FY2001 made it unlawful to distribute any needle or syringe for the hypodermic injection of any illegal drug in any area in the city that is within 1,000 feet of a public elementary or secondary school, including any public charter school. The provision was deleted during congressional consideration and passage of the District of Columbia Appropriations Act of FY2002, P.L. 107-96. The act also included a provision that allows the use of private funds for a needle exchange program, but it prohibits the use of both District and federal funds for such activities. At present, one entity, Prevention Works, a private nonprofit AIDS awareness and education program, operates a privately funded needle exchange program. The FY2002 District of Columbia Appropriations Act required such entities to track and account for the use of public and private funds.

During consideration of the FY2004 District of Columbia Appropriations Act, District officials unsuccessfully sought to lift the prohibition on the use of District funds for needle exchange programs. A Senate provision, which was not adopted, proposed prohibiting only the use of federal funds for a needle exchange program and allowing the use of District funds. The House and final conference versions of the FY2004 bill allowed the use of private funds for needle exchange programs and required private and public entities that receive federal or District funds in support of other activities or programs to account for the needle exchange funds separately.

The President's budget proposal for FY2006 included a provision that would have continued to prohibit the use of District and federal funds in support of a needle exchange program. H.R. 3058, as approved by the House on June 30, 2005, also included a provision that would have retained the current law prohibiting the use of federal and District funds for a needle exchange program. The Senate version of H.R. 3058 included a provision that would have prohibited the use of federal funds, but allowed District funds, to be used for a needle exchange program. The final version of the act, as approved by both the House and the Senate and signed by the President, prohibits the use of federal and District funds in support of a needle exchange program.

## **Medical Marijuana**

The city's medical marijuana initiative is another issue that engenders controversy. The District of Columbia Appropriations Act for FY1999, P.L. 105-277, included a provision that prohibited the city from counting ballots of a 1998 voter-approved initiative that would have allowed the medical use of marijuana to assist persons suffering from debilitating health conditions and diseases, including cancer and HIV infection.

Congress's power to prohibit the counting of a medical marijuana ballot initiative was challenged in a suit filed by the DC Chapter of the American Civil Liberties Union (ACLU). On September 17, 1999, District Court Judge Richard Roberts ruled that Congress, despite its legislative responsibility for the District under Article I, Section 8, of the Constitution, did not possess the power to stifle or prevent political speech, which included the ballot initiative.<sup>6</sup> This ruling allowed the city to tally the votes from the November 1998 ballot initiative. To prevent the implementation of the initiative, Congress had 30 days to pass a resolution of disapproval from the date the medical marijuana ballot initiative (Initiative 59) was certified by the Board of Elections and Ethics. Language prohibiting the implementation of the initiative was included in P.L. 106-113, the District of Columbia Appropriations Act for FY2000. Opponents of the provision contend that such congressional actions undercut the concept of home rule.

The District of Columbia Appropriations Act for FY2002, P.L. 107-96, included a provision that continued to prohibit the District government from implementing the initiative. Congress's power to block the implementation of the initiative was again challenged in the courts. On December 18, 2001, two groups, the Marijuana Policy Project and Medical Marijuana Initiative Committee, filed suit in U.S. District Court, seeking injunctive relief in an effort to put another medical marijuana initiative on the November 2002 ballot. The District's Board of Elections and Ethics ruled that a congressional rider that has been included in the general provisions of each District appropriations act since 1998 prohibits it from using public funds to do preliminary work that would put the initiative on the ballot.

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<sup>6</sup> *Turner v. District of Columbia Board of Elections and Ethics*, No. 98-2634 Civ. (D.D.C. Sept. 17, 1999; memorandum opinion).

On March 28, 2002, a U.S. district court judge ruled that the congressional ban on the use of public funds to put such a ballot initiative before the voters was unconstitutional.<sup>7</sup> The judge stated that the effect of the amendment was to restrict the plaintiff's First Amendment right to engage in political speech. The decision was appealed by the Justice Department, and on September 19, 2002, the U.S. Court of Appeals for the District of Columbia Circuit reversed the ruling of the lower court without comment. The appeals court issued its ruling on September 19, 2002, which was the deadline for printing ballots for the November 2002 general election.

More recently, on June 6, 2005, the Supreme Court, in a six-to-three decision, ruled that Congress possessed the constitutional authority under the commerce clause to regulate or prohibit the interstate marketing of both legal and illegal drugs. This includes banning the possession of drugs in states<sup>8</sup> and the District of Columbia that have decriminalized or permitted the use of marijuana for medical or therapeutic purposes.<sup>9</sup>

P.L. 109-115 continues to prohibit the implementation of the medical marijuana ballot initiative. This is consistent with language include in House and Senate versions of H.R. 3058. During its consideration of the District budget for FY2006, the city council did not include language related to the implementation of the initiative.

## Abortion Provision

The public funding of abortion services for District of Columbia residents is a perennial issue debated by Congress during its annual deliberations on District of Columbia appropriations. District officials cite the prohibition on the use of District funds as another example of congressional intrusion into local matters. The District of Columbia Appropriations Act for FY2002, P.L. 107-96, included a provision prohibiting the use of federal or District funds for abortion services, except in cases where the life of the mother was endangered, or the pregnancy was the result of rape or incest. This prohibition has been in place since 1995, when Congress approved the District of Columbia Appropriations Act for FY1996, P.L. 104-134.

Since 1979, with the passage of the District of Columbia Appropriations Act of 1980, P.L. 96-93, Congress has placed some limitation or prohibition on the use of public funds for abortion services for District residents. From 1979 to 1988, Congress restricted the use of federal funds for abortion services to cases where the mother's life was endangered, or the pregnancy resulted from rape or incest. The District was free to use District funds for abortion services.

When Congress passed the District of Columbia Appropriations Act for FY1989, P.L. 100-462, it restricted the use of District and federal funds for abortion services to cases where the mother's life would be endangered if the pregnancy were taken to term. The inclusion of District funds, and the elimination of rape or incest as qualifying conditions for public funding of abortion services, was endorsed by President Reagan, who threatened to veto the District's appropriations act if the abortion provision was not modified.<sup>10</sup> In 1989, President Bush twice vetoed the

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<sup>7</sup> *Marijuana Policy Project v. District of Columbia Board of Elections and Ethics*, No. 01-2595 Civ. (D.D.C. Mar. 28, 2002; memorandum opinion, order and judgment). The district court's ruling was reversed on appeal by the United States Court of Appeals District of Columbia Circuit. The court ruled without comment.

<sup>8</sup> Eleven states allow medical marijuana usage or limit the penalty for such use: Alaska, California, Colorado, Hawaii, Maine, Maryland, Montana, Nevada, Oregon, Vermont, and Washington.

<sup>9</sup> *Gonzalez v. Raich* 545 U.S. (2005). For additional information, see CRS Report RS22167, *Gonzales v. Raich: Congress's Power Under the Commerce Clause to Regulate Medical Marijuana*, by Todd B. Tatelman.

<sup>10</sup> "District Policies Hit Hard in Spending Bill," *Congressional Quarterly Almanac*, vol. XLIV (Washington: Congressional Quarterly, Inc., 1988), p. 713.

District's FY1990 appropriations act over the abortion issue. He signed P.L. 101-168 after insisting that Congress include language prohibiting the use of District revenues to pay for abortion services except in cases where the mother's life was endangered.<sup>11</sup>

The District successfully sought the removal of the provision limiting District funding of abortion services when Congress considered and passed the District of Columbia Appropriations Act for FY1994, P.L. 103-127. The FY1994 act also reinstated rape and incest as qualifying circumstances allowing for the public funding of abortion services. The District's success was short-lived, however; the District of Columbia Appropriations Act for FY1996, P.L. 104-134, and subsequent District of Columbia appropriations acts limited the use of District and federal funds for abortion services to cases where the mother's life was endangered or cases where the pregnancy was the result of rape or incest. The House, Senate, and conference versions of the TTHUD Appropriations Act for FY2006, P.L. 109-115, included a provision that continues to prohibit the use of both District and federal funds for abortion services, except in instances of rape or incest, or when pregnancy endangers the life of the mother.

## **Health Care Benefits Expansion Act (Domestic Partners Program)**

P.L. 107-96 included a provision lifting the congressional prohibition on the use of District funds to implement its Health Care Benefits Expansion Act.<sup>12</sup> The provision permits unmarried heterosexual and homosexual couples to register as domestic partners. Under the Health Care Benefits Expansion Act, which was approved by the city's elected leadership in 1992, an unmarried person who registers as a domestic partner of a District employee hired after 1987 may be added to the District employee's health care policy for an additional charge. The act was not implemented until 2002 because of a congressional prohibition first included in the general provisions of District of Columbia Appropriations Act for FY1994.

The city's Health Care Benefits Expansion Act allows two cohabiting, unmarried, and unrelated individuals to register as domestic partners with the District for the purpose of securing certain health and family—related benefits, including hospital visiting rights. Under the law, a District government employee enrolled in the District of Columbia Employees Health Benefits Program is allowed to purchase family health insurance coverage that would cover the employee's family members, including a domestic partner.

Opponents of the act maintain that it devalues the institution of marriage, and that the act grants unmarried gay and heterosexual couples the same standing as married couples. At least one bill, H.R. 72, would define marriage in the District of Columbia as a union between a man and a woman. Congressional proponents of lifting the ban on the use of District funds argue that the

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<sup>11</sup> "D.C. Bill Vetoed Twice Over Abortion Funding," *Congressional Quarterly Almanac*, vol. XLV (Washington: Congressional Quarterly, Inc., 1989), p. 757.

<sup>12</sup> On Sept. 20, 2001, the House Appropriations Committee approved, by a vote of 28 to 21, an amendment introduced by Reps. Kolbe and Moran that removed the congressional prohibition on the use of District funds for the implementation of the city's Health Care Benefits Expansion Act. The act, which was approved by the city's elected leadership in 1992, had not been implemented because of a congressional prohibition first included in the general provisions of District of Columbia Appropriations Act for FY1994. On Sept. 25, 2001, during House consideration of H.R. 2944, the House version of the District of Columbia Appropriations Act for FY2002, Rep. Weldon offered an amendment (H.Amdt. 310) that would have reaffirmed the ban on the use of District funds to implement the health care expansion program. The Weldon amendment failed by a vote of 194 to 226. The Senate bill also included a provision that would have allowed the District to use city, but not federal, funds to implement the District of Columbia Employees Health Benefits Program. It had not been implemented because of a congressional prohibition first included in the general provisions of District of Columbia Appropriations Act for FY1994. The District began implementation of the health care benefits expansion program on July 8, 2002.



implementation of the act is a question of home rule and local autonomy. Supporters of health care benefits for domestic partners note that as of 2004, 11 states and the District of Columbia, 185 local governments, and more than 8,000 companies, colleges, and universities offered health insurance benefits to domestic partners.<sup>13</sup>

The House, Senate, and final conference versions of the TTHUD Appropriations Act for FY2006, consistent with the provision first included in the District's FY2002 Appropriations Act, include a general provision that allows the use of District, but not federal, funds to administer the program.

## **District of Columbia Handgun Ban<sup>14</sup>**

In the 108<sup>th</sup> Congress, the House passed a bill (H.R. 3193) introduced by Representative Mark Souder that would have repealed the District of Columbia handgun ban and other limitations on firearms possession. The handgun ban was passed by the District of Columbia Council on June 26, 1976. It required that all firearms within the District be registered and all owners be licensed, and it prohibited the registration of handguns after September 24, 1976 (hence, the "DC handgun ban"). Under the Home Rule Act (P.L. 93-198), however, Congress reserved for itself the authority to review and disapprove District legislation.

As passed by the House, H.R. 3193 would have amended the DC Code to

- limit the Council's authority to regulate firearms;
- remove the term "semiautomatic weapon" that can fire more than 12 rounds without manually reloading from the definition of "machine gun";
- amend the registration requirements so that they do not apply to handguns, but only to sawed-off shotguns, machine guns, and short-barreled rifles;
- remove restrictions on ammunition possession;
- repeal requirements that DC residents keep firearms in their possession unloaded and disassembled, or bound by a trigger lock;
- repeal firearm registration requirements generally; and
- repeal certain criminal penalties for possessing unregistered firearms or carrying unlicensed handguns. A similar measure was introduced in the Senate (S. 1414).

In the 109<sup>th</sup> Congress, Representative Souder introduced a bill "to restore Second Amendment rights in the District of Columbia" (H.R. 1288). Senator Kay Bailey Hutchison introduced a similar measure (S. 1082). During consideration of H.R. 3058, the House passed an amendment offered by Representative Souder to prohibit the use of any funding provided under that bill to enforce Section 702 of the Firearms Control Regulations Act of 1975 (Section 7-2507.02, DC Official Code)—the provision that requires District residents to keep their firearms unloaded and disassembled, or bound by a trigger lock. Citing ongoing efforts to reduce firearms-related violence in the city, the District's Delegate, Eleanor Holmes Norton, Mayor Anthony Williams, and Police Chief Charles Ramsey oppose this funding limitation included in H.R. 3058, as well as bills to overturn the District's handgun control law.<sup>15</sup> Neither the House, Senate, or conference

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<sup>13</sup> Human Rights Campaign Foundation, "The State of the Workplace for Gay, Lesbian, and Transgender Americans: 2004," available at [http://www.hrc.org/Content/ContentGroups/Publications1/State\\_of\\_the\\_Workplace/Workplace0603.pdf](http://www.hrc.org/Content/ContentGroups/Publications1/State_of_the_Workplace/Workplace0603.pdf), visited June 22, 2005.

<sup>14</sup> For further information on gun control issues, see CRS Report RL32842, *Gun Control Legislation*, by William J. Krouse.

<sup>15</sup> *Turner v. District of Columbia Board of Elections and Ethics*, No. 98-2634 Civ. (D.D.C. Sept. 17, 1999; memorandum opinion).

versions of the TTHUD Appropriations Act for FY2006 include a provision that would amend or repeal the District's gun control legislation.

## Federal Payment for School Improvement

Beginning with the Consolidated Appropriations Act, 2004 (P.L. 108-199), a federal payment for school improvement has been included as part of each year's District of Columbia appropriations act. As part of this payment, funding has been provided for three activities: for the District of Columbia Public Schools to improve public education; for the State Education Office to expand public charter schools; and for the Secretary of the Department of Education to fund opportunity scholarships (private school vouchers) under the District of Columbia School Choice Incentive Act (which was enacted as part of P.L. 108-199). Funding for these activities has been provided to show a commitment toward supporting school improvement in traditional public schools and public charter schools, while also demonstrating and evaluating the effectiveness of fostering school improvement through a scholarship or voucher program in which students receive public funding to support their attendance at private schools.

Under the District of Columbia School Choice Incentive Act, the Secretary of Education funds the operation of a five-year demonstration scholarship program that enables children from low-income families in the District of Columbia to attend private elementary or secondary schools located in the District of Columbia. Students who are residents of the District of Columbia and who are from families with incomes not exceeding 185% of the poverty level are eligible to apply for scholarships valued at up to \$7,500 to cover the costs of tuition, fees, and transportation expenses associated with attending a participating private elementary or secondary school located in the District of Columbia. Students are selected to receive scholarships through a lottery. Scholarship recipients remain eligible to continue to participate in the program in subsequent years, so long as their family income does not exceed 200% of the poverty level. Students enrolled in schools identified for school improvement, corrective action, or restructuring under Title I-A of the Elementary and Secondary Education Act are given priority in receiving scholarships (through weighting procedures in the lottery); however, all students meeting program eligibility criteria are eligible for scholarships regardless of whether they were previously enrolled in public or private schools.<sup>16</sup>

The demonstration project includes a rigorous evaluation component.<sup>17</sup> Among the issues required to be evaluated as part of the program are the academic achievement of scholarship recipients compared with non-recipients, the success of the program in expanding school choice options, and the impact of the program on students and public schools in the District of Columbia.<sup>18</sup> In the first year of implementation, school year 2004-2005, 58 of 109 private schools located in the District of Columbia participated in the program, making available slots for 1,264 students. Based on data from the U.S. Census Bureau, it is estimated that over 40,000 students may be eligible for the program, and for 2004-2005, 1,848 students who met the program's eligibility criteria applied for scholarships.

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<sup>16</sup> *Marijuana Policy Project v. District of Columbia Board of Elections and Ethics*, No. 01-2595 Civ. (D.D.C. Mar. 28, 2002; memorandum opinion, order and judgment). The district court's ruling was reversed on appeal by the United States Court of Appeals District of Columbia Circuit. The court ruled without comment.

<sup>17</sup> Eleven states allow medical marijuana usage or limit the penalty for such use: Alaska, California, Colorado, Hawaii, Maine, Maryland, Montana, Nevada, Oregon, Vermont, and Washington.

<sup>18</sup> *Gonzalez v. Raich* 545 U.S. (2005). For additional information, see CRS Report RS22167, *Gonzales v. Raich: Congress's Power Under the Commerce Clause to Regulate Medical Marijuana*, by Todd B. Tatelman.

The enactment of the program was contentious, and following the first year of implementation, the program remains controversial. Some of the controversy may be fueled by effects of the limited time for implementation following enactment. The program has been criticized on several fronts including

- the participation of students and schools has not been as great as was anticipated;
- a sizeable percentage of first-year scholarship recipients had previously been enrolled in private schools;
- a mismatch between scholarship applicants and available slots in schools across the various grade levels (with an oversupply at the elementary level and a shortage at the secondary level); and
- the \$7,500 scholarship amount does not meet the full cost of attendance for most secondary schools.

In reaction to some of these concerns, proposals may be made to amend some of the terms and conditions of the opportunity scholarship program. However, given the early stages of the program and the evaluation component, value may be found in continuing the demonstration program in its current form before significant changes are made.

The House version of H.R. 3058 would appropriate \$14.566 million for the program, including \$1 million for administrative expenses. This is part of a larger effort to strengthen elementary and secondary education in the District. The House bill also includes \$13.525 million for the District's public schools and \$13.525 million for District's public charter schools. This is consistent with the amount requested by the President for FY2006. The Senate and conference versions of the TTHUD Appropriations Act for FY2006, included \$14 million for private school vouchers, which is \$1.566 million less than the House bill and the President's request. The Senate and conference versions of the act also included \$13 million for public school improvements and \$13 million in support of the city's public charter schools. In addition, the conference version of the act includes a provision conveying, by lease, 15 acres of District land for the construction of a pre-collegiate public charter boarding school.

## **Marriage Development Accounts**

Citing marriage as an important determinant in the poverty status of children and noting that a majority of low-income children in the District are born to single mothers, Senator Brownback, the chairman of the Senate District of Columbia Appropriations Subcommittee, included a provision in the District of Columbia Appropriations Act for FY2006, S. 1446, that would establish Marriage Development Accounts (MDAs). The District appropriations, including the MDA provisions included in S. 1446, were incorporated into H.R. 3058, the TTHUD Appropriations Act of FY2006, and approved by the House and the Senate during conference consideration of the act.

As a strategy for strengthening families and improving the life chances of low-income children, the MDA provisions of the TTHUD Act for FY2006 includes \$3 million in a special federal payment to fund efforts to encourage marriage among low-income District residents through the use of financial incentives and life skills training. The provision appropriates \$1.5 million to establish a Marriage Development Account Fund to be administered by the Capital Area Asset Building Corporation, \$850,000 to be awarded to the National Center for Fathering, and \$650,000 for the East Capitol Center for Change in support of mentoring and counseling programs. Under the proposal, married couples with adjusted gross incomes of less than \$50,000 and net assets of less than \$10,000 would be encouraged to establish MDAs. Savings deposited in such accounts

would be matched at a ratio of 3:1, with a maximum amount of \$9,000. According to the report accompanying the bill (S.Rept. 109-106), couples would receive money management training and assistance to help repair their credit or improve their financial skills. Couples could use their MDA savings to purchase a home, finance education, or start a business. Under the program, engaged couples may receive similar benefits, and the act provides similar assistance to individuals with an adjusted gross income that is less than \$25,000. They may receive a maximum match of \$4,500.

In addition to financial incentives, the program is supposed to provide life skills training for participating couples. This training is to be provided through the two local non-profit organizations—the National Center for Fathering and the East Capitol Center for Change. These organizations would be encouraged to expand their network of service providers to include churches, faith-based organizations, and other nonprofit organizations. The program, which was sponsored by Senator Brownback, has the support of the District officials. However, the provision is not without its critics, who argue that there may be more important reasons for marriage other than financial incentives.

The MDA accounts are similar to Individual Development Accounts (IDAs), which are also designed to assist low-income persons in increasing their savings and improving their financial futures. IDAs provide a 2:1 match to reward the monthly savings of people who are trying to buy their first home, pay for college, or start or expand a small business. Eligibility is not linked to marriage. In the District, IDAs are limited to couples earning less than \$25,660 and individuals earning less than \$19,140. The House bill does not include a similar provision.

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